

REMARKS

These remarks respond to the Office Action mailed June 13, 2005. Claims 5-27, 32-54, and 59-81 remain pending. Claims 5-27, 32-49, 55, and 59-76 were allowed. The Examiner also indicated that claims 51-54 and 78-81 were objected to as dependent on a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Although the Examiner has indicated that claim 55 is allowed, applicant had canceled independent claim 55 along with dependent claims 56-68 based on the Examiner's rejection of claims 55-58 in the Office Action mailed November 4, 2004 at pages 2-3.

Applicant requests clarification from the Examiner as to the allowed or rejected status of these claims.

The Examiner rejected claims 50 and 77 as obvious over U.S. Patent No. 6,076,075 to Teicher ("Teicher") in view of U.S. Patent No. 6,003,014 to Lee et al. ("Lee").

Teicher is directed to a method of executing purchases using an electronic checkbook. Teicher discloses that transactions are recorded at a payment unit which may store them in an "electronic safe" (Fig. 3 at 368; col. 8, lines 58-65; col. 10, lines 61-67) for batch processing at a later time. Teicher explicitly states that an electronic check is sent from the electronic wallet to the payment unit before it is stored in the electronic safe (col. 20, lines 30-39; Fig. 3).

Conversely, claim 50 recites a storage medium capable of causing a remote communications device to execute actions, including creating a deferred transaction data structure and storing the deferred transaction data structure in a memory when communications between the remote communications device and the second party are not available. Specifically, claim 50 requires the data to be stored on the individual's remote communications

device "when establishing communication between the remote communications device and the second party is at least one of temporarily not obtainable and interrupted."

Teicher communicates information concerning a transaction before the information is stored. Teicher fails to disclose or suggest storing a deferred transaction data structure when communication is unavailable, as specifically recited in claim 50.

Lee fails to remedy the deficiencies of Teicher. Lee is directed to smart cards for financial transactions. The smart card in Lee stores information such as encryption data and the card's secret key (col. 10, lines 20-42). During a transaction, card information such as card identification information and the value requested by the access device are transmitted from the card (col. 7, lines 6-11). Lee is intended to provide faster transactions by performing authentication in two steps. The storage of transaction data takes place on the access device, which is not a remote device, for the purpose of efficient batch handling of transactions (col. 8, lines 19-34). Transaction data is stored after transmission, just as in Teicher. Thus, Lee does not disclose or suggest the storage of transaction data on a remote device when communication is not possible.

Thus, the combination of Teicher and Lee does not disclose or suggest the storage of a deferred transaction data structure when communication between a remote device and a second device is not possible.

Claim 77, rejected for the same reasons as claim 50, recites similar limitations as discussed above in connection with claim 50. Thus, claim 77 is believed to be patentable for the same reasons as those discussed in connection with claim 50.

Applicants have not received an initialed copy of the PTO/SB/08a/b form for the Information Disclosure Statement

submitted January 19, 2004. In addition, applicants note that two Information Disclosure Statements have been submitted on August 5, 2005 and July 26, 2005, subsequent to the mailing of the June 13, 2005 Office Action. Applicants would appreciate copies of the initialed PTO/SB/08a/b forms with the next communication.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are respectfully requested.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he may have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

By 

Matthew E. Hanley
Registration No.: 51,773
LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP
600 South Avenue West
Westfield, New Jersey 07090
(908) 654-5000
Attorney for Applicant